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BM[!] INTERNATIONAL
YTE MASTERS

240 Sand Key Estates Drive, #68
Clearwater, Florida 33767

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TECHNOLOGY CENTER 2800

Call: 727/593-3717
FAX: 727/593-3605

e-mail: ByteBooks@aol.com

Web Site: <http://members.aol.com/Berniebyte/bernieby.html>

June 25, 2002

14/ [Signature]
7/9/02

U.S. Department of Commerce
Patent and Trademark Office
Assistant Commissioner of Patents
Stanley Witkowski, Primary Examiner
Group Art Unit 2837
Washington, DC 20231

Reference: Reply to Patent Office letter mailed 06/21/02 on Patent Application 09/655792
by Bernard H. Browne, Jr.

To: Assistant Commissioner of Patents

We are anxious to wrap up the final details on our referenced patent application. We urgently request that the Patent Office reconsider the timing issue that has arisen on our last submission — which we will elaborate on further — because it certainly appears that we were following the directions of the Patent Office on our timing.

If for some reason further action is still required on our part to secure this patent on the *Instant Musician, Recording Artist and Composer*, please give us some clue as to what action is required next so that we may expedite this final step. We will respond immediately, whether it requires more work on our part, more fees or even if it requires filing an appeal.

Also, please inform us at what point in this final process we may make the statement that we have a “patent pending” on our invention.

Attached you will find more detail on the timing issue which apparently is the only issue stalling the completion of this effort.

Thank you.

Sincerely,

[Signature of Bernard H. Browne, Jr.]

Bernard H. Browne, Jr. - Inventor
Author/Publisher of *America Online and Best Web Sites* book series
Byte Masters International

- Attachment 1: Detailed explanation on the timing of our communications on our patent application
- Attachment 2: Table summarizing communications with Patent Office.



6/25/02

Attachment 1

DETAILED EXPLANATION ON THE TIMING OF COMMUNICATIONS ON APPLICATION 09/655792

The following table (Attachment 2) previously submitted summarizes the communications between the inventor and the Patent Office on application 09/655792.

The "final action" mailed by the Patent Office on 10/04/01 (item 5) requested a three month reply. The material requested (item 6) was therefore mailed in a timely manner on 12/24/01.

Another Patent Office action was mailed 2/13/02 stating that our amendment filed on 01/15/02 (item 6 - actually mailed on 12/24/01) did not comply with Rule 37 CFR 1.121. The box checked under the *Period for Reply* section in this communication was:

☒ The period for reply expires 3 months from the mailing date of the final rejection.

Since this item was mailed to us on 2/13/02 with a three month reply stated, we logically felt that this item was now a new "final action" or rejection and that we now had until 5/13/02 to comply with 37 CFR 1.121. Further confirming this belief on the 5/13/02 timing was a call from Trina at your office on 2/08/02 requesting \$55.00 for another extension fee. With this additional extension payment requested by the Patent Office, it was obviously felt that we had until 5/13/02 for the final submission to comply with 37 CFR 1.1.21.

Further confirming our belief that we should not be penalized in any way on our timing is the fact that the "final action" requested by the Patent Office mailed on 10/04/01 did not mention the need to comply with the newer formatting requirements of Rule 37 CFR 1.121. Rather, we were informed of this on an item mailed to us on 2/13/02 (item 8) which we logically construed as a new or real "final action" that was required on our part with a new 3 month response time as was stated on the form.

Therefore, we strongly feel that we were in total compliance with the timing requested by the Patent Office and that we are entitled to finally receive our patent rights now or at least be able to claim "patent pending."

Inventor



Attachment 2

TABLE SUMMARIZING COMMUNICATIONS ON APPLICATION 09/655792

"INSTANT MUSICIAN, RECORDING ARTIST AND COMPOSER"

by Bernard H. Browne, Jr.

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Action No.	From	Dated/ Date Sent	Received	Item Description
1	Inventor	8/31/00	9/06/00	Initial patent application
2	Patent Office	1/24/01		Request for 3 month reply relating to more detail required and comments concerning patents by Sitrick, Aoki, et al.
3	Inventor	4/16/01	04/19/01	30 day extension for reply requested and \$55.00 check sent and cashed for extension..
4	Inventor	5/23/01	5/29/01	Material provided as requested including more detailed specification, more drawings, more detailed claims and reasons why our application doesn't infringe upon patents of Sitrick, Aoki, et al.
5	Patent Office	10/04/01		Request for 3 month reply relating to what appeared to be new material in the specification, claims, drawings; and reasons why our application doesn't infringe upon patents of Sato, Farrand, Goede, Miyano and Eller.
6	Inventor	12/24/01	01/15/02	Material provided as requested including corrections to claims and reasons why our application doesn't infringe upon the inventors' material referenced above.
7	Inventor	2/08/02		FAX to Trina at Patent Office for authorizing \$55.00 charge to inventor's American Express account for 30 day extension.
8	Patent Office	2/13/02		Request for 3 month reply to address fact that amendment filed on 01/15/02 did not comply with Rule 37 CFR 1.121.
9	Inventor	5/3/02		Material provided as requested complying with 37 CFR 1.121 within the 3 months requested including: marked up original material to show amendments and clean versions of the amended abstract, specification, claims and drawings.
10	Patent Office	5/23/02	5/28/02	Notice of abandonment stating that paper filed 5/03/02 was not filed on time.